

Alternative Compliance Options

Critical Areas Ordinance Information Sheet

The proposed Critical Areas Ordinance increases the protection requirements for streams, wetlands, and wildlife species that are at risk from development. The proposal is based on King County's preliminary consideration of the best available science and county and state growth management goals. See Overview of Best Available Science for Critical Areas Protection in King County (December 2002) for a summary of King County's approach to using best available science.

The proposed Critical Areas Ordinance establishes general standards that apply to unincorporated King County. General standards are relatively simple to implement and provide a property owner certainty about the requirements that will be applied to his or her property.

However, best available science suggests that the standards needed to protect a particular critical area are dependent on a variety of factors, including conditions on site and in the area where the property is located. A site-specific study is generally required to evaluate these conditions and generally requires qualified experts to prepare the studies. Such studies can be expensive and the results are often subject to interpretation.

The proposed Critical Areas Ordinance includes some tools designed to simplify compliance and reduce the impact of the proposed ordinance on property owners. King County welcomes additional suggestions on how we can meet our objectives.

Alternatives

Reducing Impact on Property Owners

- Additions of up to 1,000 square feet are allowed to existing residences or other structures that are in aquatic area and wetland buffers, with some limitations.
- A rural property owner may reduce the requirement to maintain 65% of a rural residential zone property in native vegetation and open space. The property owner would be able to clear up to 50% of the property if he or she:
 - Protects specific types of wildlife habitat that are not otherwise required to be protected;
 - On a mostly cleared property, plants cleared areas with native vegetation; or
 - Enrolls up to 50% of a cleared lot in a Forest Stewardship Plan.
- Continue to allow buffer averaging.
- Develop a fee-in-lieu program (payment instead of mitigation) for off-site mitigation:
 - For highly constrained properties without room for mitigation; or
 - For highly constrained but developable properties to be purchased.
- Significantly reduce the mitigation ratios for tree replacement if replacement trees are planted on another site where there is a higher likelihood that they will reach maturity.
- Tailor site-specific water quality filter strips for crops and horticulture to the conditions on the site and the practices of the landowner.

- Alter current spacing and lot line requirements for rural clustering (not density) to enable design around critical areas.
- Provide a director's modification process, with some clearly defined sideboards, to enable administrative discretion.

Permitting Options

- A property owner may prepare a major habitat evaluation in order to propose an alternative to the standard development regulations, such as wetland or stream buffers, that achieve the environmental objectives of the standard regulations.
- The proposed ordinance allows for different levels of critical area study requirements, based on the complexity of the proposal and the likely impact on critical areas. The levels include:
 - A simple delineation that may not require a certified expert;
 - A simple habitat description and analysis that may not require a certified expert; or
 - More complex levels of reporting that will require experts.

Other Options

Other options that may be considered include:

- Expansion of tax credit programs, such the Public Benefit Rating System and other current use tax programs;
- Alterations to Transfer of Development Rights program;
- Additional technical assistance for site analysis;
- Trade-offs between the 65% native vegetation retention requirement and stream and wetland buffer requirements; and
- Additional flexibility in native vegetation retention requirements for a small footprint for a house and yard.

To learn more

To learn more, access the following Web site:

<http://www.metrokc.gov/ddes/cao>